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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 09/920,756
Filing Date: August 03, 2001
Appellant(s): IRWIN ET AL.

_____
Peter H. Priest (Registration No.30,210)
For Appellant

SUPPLEMENTAL EXAMINER'S ANSWER

This is in response to the appeal brief filed 10/8/2008 and 6/12/2008 appealing from the Office

action mailed 12/13/2008, the Amendment filed after Final on 6/12/2008 and further to correct

the error noted by the Board of Patent Appeals on 9/8/2009.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The amendment after final rejection filed on 6/12/2008 has been entered.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,687,817	PAUL	2-2004
5,945,988	WIILIAMS	8-1999

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or
> described as set forth in section 102 of this title, if the differences between the subject
> matter sought to be patented and the prior art are such that the subject matter as a whole
> would have been obvious at the time the invention was made to a person having ordinary
> skill in the art to which said subject matter pertains. Patentability shall not be negatived
> by the manner in which the invention was made.

2.   Claims 1-11 and 17-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Paul, US pat. No.6,687,817 in view of Williams et al, US pat. No.5,945,988.

As to claim 1, Paul discloses a computer-implemented method of configuring a point of sale

(POS) terminal to execute a handheld platform operating software comprising the steps of:

    reading generic configuration settings from a first local storage device and storing generic

    configuration settings in a memory (writing network configuration into a file on the first

    device such as laptop device, see fig.3, col.1 lines 32-55 and col.3 lines 19-46);

        conducting an automated search for and retrieval of computer system specific settings by

the terminal (generating a worldwide unique identifier placed in the configuration request for use

in subsequent transmissions to the new device sending a "configuration pending" message from

the configuration device to mark the message for the new device, see col.3 line 29 to col.4 line

11), the automated search and retrieval comprising:

        determining if first computer system-specific configuration settings are stored on

a second local storage device (connecting the terminal and the storage device through a network

to provide multicast messages, see fig.7, col.5 line 38 to col.6 line 28), if said first computer

system-specific configuration settings are stored on said storage device, copying said first

computer system-specific configuration settings to said memory (see col.3 line 47 to col.4 line

11);

 determining if second computer system-specific configuration settings are stored

on network devices accessed through a network; if said second computer system-specific

configuration settings are stored on the network device, copying said second computer system-

specific configuration settings to said memory, setting a boot status setting and rebooting said

POS terminal to execute the handheld platform operating software according to computer

specific configuration settings stored in said memory (see fig.4, col.4 lines 12-50 and col.5 lines

4-35).

Paul does not specifically disclose computer system specific configuration settings including at

least one of brightness, volume, and energy saving settings and coupling by a bus to a processor

in the terminal. However, Williams discloses computer system specific configuration settings

including at least one of brightness, volume, and energy saving settings and coupling by a bus to

a processor in the terminal (configures system configuration settings of system in accordance

with the user preference information found in the user profile corresponding to the identified user

including volume and using system controller 500 includes high performance input/output (I/O)

bus 506 and standard I/O bus 508, and host bridge 510 coupling processor 502 to high

performance I/O bus 506, see abstract, figs.2, 5, col.5 line 30 to col.6 line 32 and col.11 line 45

to col.12 line 61). It would have been obvious to one of the ordinary skill in the art at the time

the invention was made to implement Williams's teachings into the computer system of Paul to

update user preference data information because it would have enabled users to monitor and

update a wide range of configurable options in a profile database and configured to control each

of the entertainment system components of system in a communications network (see Williams'

col.5 lines 8-28).

As to claim 2, Paul discloses the second computer system specific configuration settings include

at least one of first computer system specific configuration settings (see col.6 lines 1-46).

As to claim 3, Paul discloses the configuration settings identify configuration settings to be

stored (see col.5 lines 3-67).

As to claim 4, Paul discloses a computer-implemented method of configuring a POS terminal to

execute a handheld platform operating software comprising the steps of:

          reading generic configuration settings from a first local storage device and storing generic

configuration settings in a memory (writing network configuration into a file on the first device,

see fig.3, col.1 lines 40-55 and col.3 lines 19-46);

          conducting an automated search for and retrieval of computer system specific settings by

the terminal (generating a worldwide unique identifier placed in the configuration request for use

in subsequent transmissions to the new device and sending a "configuration pending" message

from the configuration device to mark the message for the device, see col.3 line 29 to col.4 line

11), the automated search and retrieval comprising:

determining if first computer system-specific configuration settings are stored on

a second local storage device (connecting the terminal and the storage device through a network

to provide multicast messages, see fig.7, col.3 line 47 to col.4 line 11 and col.5 line 38 to col.6

line 28 and col.3 line 47 to col.4 line 11);

if said first computer system-specific configuration settings are stored on said

storage device, copying said first computer system-specific configuration settings

to said memory, setting a boot status setting and rebooting said POS terminal to execute the

handheld platform operating software according to computer specific configuration settings

stored in said memory (see fig.4, col.4 lines 12-50 and col.5 lines 4-35).

Paul does not specifically disclose computer system specific configuration settings including at

least one of brightness, volume, and energy saving settings and coupling by a bus to a processor

in the terminal. However, Williams discloses computer system specific configuration settings

including at least one of brightness, volume, and energy saving settings and coupling by a bus to

a processor in the terminal (configures system configuration settings of system in accordance

with the user preference information found in the user profile corresponding to the identified user

including volume and using system controller 500 includes high performance input/output (I/O)

bus 506 and standard I/O bus 508, and host bridge 510 coupling processor 502 to high

performance I/O bus 506,, see abstract, figs.2, 5, col.5 line 30 to col.6 line 32 and col.11 line 45

to col.12 line 61). It would have been obvious to one of the ordinary skill in the art at the time

the invention was made to implement Williams's teachings into the computer system of Paul to

update user preference data information because it would have enabled users to monitor and

update a wide range of configurable options in a profile database and configured to control each

of the entertainment system components of system in a communications network (see Williams'

col.5 lines 8-28).

As to claim 5, Paul discloses a computer implemented method of configuring a POS terminal to

execute a handheld platform operating software comprising the steps of:

reading generic configuration settings from a storage device and storing generic

configuration settings in a memory (writing network configuration into a file on the first device

such as laptop device, see fig.3, col.1 lines 32-55 and col.3 lines 19-46);

conducting an automated search for and retrieval of computer system specific settings by

the terminal (generating a worldwide unique identifier placed in the configuration request for use

in subsequent transmissions to the new device sending a "configuration pending" message from

the configuration device to mark the message for the device, see col.3 line 29 to col.4 line 11),

the automated search and retrieval comprising:

determining if a connection is available to the terminal; if a network connection is

available, determining if second computer system-specific configuration settings are stored on a

network device, transmitting a request directed to a specifically identified device on which the

settings are stored to obtain the second computer specific configuration settings (connecting the

terminal and the storage device through a network to provide multicast and configuration setting

messages, see fig.7, col.3 line 47 to col.4 line 11 and col.5 line 38 to col.6 line 28);

if said second computer system-specific configuration settings are stored on a

network, copying said second computer system-specific configuration settings to

said memory, setting a boot status setting and rebooting said POS terminal to execute the

handheld platform operating software according to computer specific configuration settings

stored in said memory (see fig.4, col.4 lines 12-50 and col.5 lines 4-35).

Paul does not specifically disclose computer system specific configuration settings including at

least one of brightness, volume, and energy saving settings. However, Williams discloses

computer system specific configuration settings including at least one of brightness, volume, and

energy saving settings (configures system configuration settings of system in accordance with

the user preference information found in the user profile corresponding to the identified user

including volume, see abstract, fig.2, col.5 line 30 to col.6 line32). It would have been obvious

to one of the ordinary skill in the art at the time the invention was made to implement Williams's

teachings into the computer system of Paul to update user preference data information because it

would have enabled users to monitor and update a wide range of configurable options in a profile

database in a communications network (see Williams' col.5 lines 8-28).

As to claim 6, Paul discloses a computer implemented comprising the steps of:

        loading generic configuration settings, conducting an automated search for and retrieval

of computer system specific settings (generating a worldwide unique identifier placed in the

configuration request for use in subsequent transmissions to the new device sending a

"configuration pending" message from the configuration device to mark the message for the

device, see col.3 line 29 to col.4 line 11), the automated search including determining whether

the terminal is connected to a storage device accessible to the terminal through a direct

connection between the terminal and the storage device (connecting the terminal and the storage

device through a network to provide multicast and configuration messages, see fig.7, col.5 line

38 to col.6 line 28);

and method of configuring a computer system loading computer system-specific

configuration settings executing handheld platform operating software (writing network

configuration into a file on the first device, see fig.3, col.1 lines 32-55 and col.3 lines 19-46); and

rebooting the POS terminal to execute the handheld platform operating software according to

the loaded computer computer-specific configuration settings (see fig.4, col.4 lines 12-50 and

col.5 lines 4-35).

Paul does not specifically disclose computer system specific configuration settings including at

least one of brightness, volume, and energy saving settings and coupling by a bus to a processor

in the terminal. However, Williams discloses computer system specific configuration settings

including at least one of brightness, volume, and energy saving settings and coupling by a bus to

a processor in the terminal (configures system configuration settings of system in accordance

with the user preference information found in the user profile corresponding to the identified user

including volume and using system controller 500 includes high performance input/output (I/O)

bus 506 and standard I/O bus 508, and host bridge 510 coupling processor 502 to high

performance I/O bus 506,, see abstract, figs.2, 5, col.5 line 30 to col.6 line 32 and col.11 line 45

to col.12 line 61). It would have been obvious to one of the ordinary skill in the art at the time

the invention was made to implement Williams's teachings into the computer system of Paul to

update user preference data information because it would have enabled users to monitor and

update a wide range of configurable options in a profile database and configured to control each

of the entertainment system components of system in a communications network (see Williams'

col.5 lines 8-28).

As to claim 7, Paul discloses system-specific configuration settings are read from a storage

device accessed over a network (see col.3 line 47 to col.4 line 11).

As to claim 8, Paul discloses computer system-specific configuration settings are read from a

storage device and loading computer system-specific configuration settings from a network

device accessed over a network (see fig.4, col.4 lines 12-50).

As to claim 9, Paul discloses computer system-specific configuration settings from the network

(see col.5 lines 3-38).

As to claim 10, Williams discloses configuration settings including at least one of: color depth,

peripheral device, delay period, communication port and baud rate settings for the POS terminal

(see col.7 line 42 to col.8 line 48). It would have been obvious to one of the ordinary skill in the

art at the time the invention was made to implement Williams's teachings into the computer

system of Paul to update user preference data information because it would have enabled users to

monitor and update a wide range of configurable options in a profile database in a

communications network.

Claim 11 is rejected for the same reasons set forth in claim 3.

As to claim 17, Paul discloses a computer-implemented method of storing configuration settings

of a POS terminal to executing a handheld platform operating software comprising the steps of:

performing an automated search by the terminal to determine if a storage device is

connected to the POS terminal to executing a handheld platform operating software (writing

network configuration into a file on the first network device, see fig.3, col.1 lines 32-55 and col.3

line 19 to col.4 line 11) (connecting the terminal and the storage device through a network to

provide multicast and configuration messages, see fig.7, col.5 line 38 to col.6 line 28);

if the storage device is connected to the computer system, storing computer

system-specific configuration settings to the storage device (see col.3 line 47 to col.4 line 11);

performing an automated search by the terminal to determine if the computer system is

connected to a network connection having a computer system; and if the network connection

having a computer system is connected to the POS terminal, storing computer system-specific

configuration settings to the computer system (see fig.4, col.4 lines 12-50 and col.5 lines 4-35).

Paul does not specifically disclose computer system specific configuration settings including at

least one of brightness, volume, and energy saving settings and coupling by a bus to a processor

in the terminal. However, Williams discloses computer system specific configuration settings

including at least one of brightness, volume, and energy saving settings and coupling by a bus to

a processor in the terminal (configures system configuration settings of system in accordance

with the user preference information found in the user profile corresponding to the identified user

including volume and using system controller 500 includes high performance input/output (I/O)

bus 506 and standard I/O bus 508, and host bridge 510 coupling processor 502 to high

performance I/O bus 506,, see abstract, figs.2, 5, col.5 line 30 to col.6 line 32 and col.11 line 45

to col.12 line 61). It would have been obvious to one of the ordinary skill in the art at the time

the invention was made to implement Williams's teachings into the computer system of Paul to

update user preference data information because it would have enabled users to monitor and

update a wide range of configurable options in a profile database and configured to control each

of the entertainment system components of system in a communications network (see Williams'

col.5 lines 8-28).

As to claim 18, Paul discloses a computer implemented method of storing configuration settings

of a POS terminal comprising the steps of:

        receiving a specified event at the POS terminal and performing an automated search by

the POS terminal for computer specific configuration settings (generating a worldwide unique

identifier placed in the configuration request for use in subsequent transmissions to the new

device sending a "configuration pending" message from the configuration device to mark the

message for the device, see col.3 line 29 to col.4 line 11), the search including determining if

computer system specific configuration settings are available for retrieval from a storage device

(writing network configuration into a file on the first network device, see fig.3, col.1 lines 32-55

and col.3 lines 19-46 and col.5 line 38 to col.6 line 28); and

        if computer system specific configuration settings are available for retrieval from a

storage device connected to the POS terminal, storing computer system-specific configuration

settings to the POS terminal (see col.3 line 47 to col.4 line 11).

Paul does not specifically disclose computer system specific configuration settings including at least one of brightness, volume, and energy saving settings and coupling by a bus to a processor in the terminal. However, Williams discloses computer system specific configuration settings including at least one of brightness, volume, and energy saving settings and coupling by a bus to a processor in the terminal (configures system configuration settings of system in accordance with the user preference information found in the user profile corresponding to the identified user including volume and using system controller 500 includes high performance input/output (I/O) bus 506 and standard I/O bus 508, and host bridge 510 coupling processor 502 to high performance I/O bus 506,, see abstract, figs.2, 5, col.5 line 30 to col.6 line 32 and col.11 line 45 to col.12 line 61). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to implement Williams's teachings into the computer system of Paul to update user preference data information because it would have enabled users to monitor and update a wide range of configurable options in a profile database and configured to control each of the entertainment system components of system in a communications network(see Williams' col.5 lines 8-28).

As to claim 19, Paul discloses specified event includes at least one of expiration of a delay period and computer system shutdown (see col.5 lines 3-67).

As to claim 20, Paul discloses a computer implemented method of storing configuration settings of a POS terminal comprising the steps of:

receiving a specified event at the POS terminal (writing network configuration into a file on the first device, see fig.3, col.1 lines 40-55 and col.3 lines 19-46);

performing an automated search by the POS terminal for computer specific configuration settings (generating a worldwide unique identifier placed in the configuration request for use in subsequent transmissions to the new device sending a "configuration pending" message from the configuration device to mark the message for the device, see col.3 line 29 to col.4 line 11), the search including determining if the POS terminal executing handheld platform operating software is connected to a network connection having a computer system and if the POS terminal is connected through a network connection, determining if computer system specific configuration settings are available for retrieval from a specifically identified storage device through the network and transmitting a request directed to a specifically identified device on which the settings are stored to obtain the second computer specific configuration settings (connecting the terminal and the storage device through a network to provide multicast and configuration setting messages, see fig.7, see col.3 line 47 to col.4 line 11 and col.5 line 38 to col.6 line 28); and

if the POS terminal executing a handheld platform operating software is connected to the network connection having a computer system and computer system specific configuration settings are available for retrieval through the network and upon obtaining the computer system-specific configuration settings and storing computer system-specific configuration settings to the POS terminal (connecting the terminal and the storage device through a network to provide multicast and configuration setting messages, see fig.7, col.3 line 47 to col.4 line 11 and col.5 line 38 to col.6 line 28).

Paul does not specifically disclose computer system specific configuration settings including at least one of brightness, volume, and energy saving settings. However, Williams discloses computer system specific configuration settings including at least one of brightness, volume, and energy saving settings (configures system configuration settings of system in accordance with the user preference information found in the user profile corresponding to the identified user including volume, see abstract, fig.2, col.5 line 30 to col.6 line 32). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to implement Williams's teachings into the computer system of Paul to update user preference data information because it would have enabled users to monitor and update a wide range of configurable options in a profile database in a communications network (see Williams' col.5 lines 8-28).

As to claim 21, Paul discloses that specified event includes at least one of expiration of a delay period and computer system shutdown (see col.5 lines 3-67).

Claim 22 is rejected for the same reasons set forth in claim 18.

As to claim 23, Paul discloses sequences of instructions which, when executed by said processor, cause said processor to determine if the POS terminal is connected to a network connection having a computer system providing access to computer system specific configuration settings and if the POS terminal is connected to the network connection having a computer system providing access to computer system specific configuration settings, store the computer system-

specific configuration settings to the computer system (see fig.4, col.4 lines 12-50 and col.5 lines

4-35).

(10) Response to Arguments

A. Rejection of claim 4 under U.S.C. 112, second Paragraph:

The amendment after Final filed on 6/12/2008 has been entered and overcame the Final

Rejection under U.S.C. 112, second Paragraph. Therefore, the rejection is withdrawn.

B. Rejection under 35 U.S.C. § 103(a) over Paul and Williams:

1) For claim 1:

- Appellant asserts that there is an impermissible hindsight in combining the

  references.

Examiner respectfully disagrees. In response to appellant's argument that the

examiner's conclusion of obviousness is based upon improper hindsight reasoning, it

must be recognized that any judgment on obviousness is in a sense necessarily a

reconstruction based upon hindsight reasoning. But so long as it takes into account only

knowledge which was within the level of ordinary skill at the time the claimed invention

was made, and does not include knowledge gleaned only from the applicant's disclosure,

such a reconstruction is proper. See In re McLaughlin, 443 F.2d 1392, 170 USPQ 209

(CCPA 1971).

- For claim 1, Appellant asserts that the cited references do not disclose reading generic configuration settings from a first local storage device, determining if first computer system-specific configuration settings are stored on a second storage device coupled by a bus to a processor in the terminal, Copying the system settings if they are present, determining if second computer settings are stored on a network, and copying the second computer settings if they are stored on the network.

Examiner respectfully point out that Paul discloses Appellant's invention. Paul discloses a method of configuring a new network device via a network. Specifically, Paul disclose a reading generic configuration settings from a first local storage device (*generating a worldwide unique identifier placed in the configuration request for use in subsequent transmissions to the new device sending a "configuration pending" message from the configuration device to mark the message for the new device, see col.3 line 29 to col.4 line 11*), determining if first computer system-specific configuration settings (*new device's configurations*) are stored on a second storage device (*using the configuration computer 300 fig.3 for processing configuration settings stored by a external source*), copying the system settings if they are present (*sending configuration data to the new device if the configuration is matched*), determining if second computer settings are stored on a network, and copying the second computer settings if they are stored on the network [*configuring network settings by the operating system of a new device (320 fig.3) to be added to a network by sending a "configuration request" to the configuration*

computer (300 fig.3). The configuration computer generates and sends configuration data to the

new device via multicast, see fig.3, col.3 line 19 to ocl.4 line 11]. Paul does not specifically

disclose coupling by a bus to a processor in the terminal. However, Williams discloses coupling

by a bus to a processor in the terminal (configures system configuration settings of system in

accordance with the user preference information found in the user profile corresponding to the

identified user including volume and using system controller 500 includes high performance

input/output (I/O) bus 506 and standard I/O bus 508, and host bridge 510 coupling processor 502

to high performance I/O bus 506,, see abstract, figs.2, 5, col.5 line 30 to col.6 line 32 and col.11

line 45 to col.12 line 61). It would have been obvious to one of the ordinary skill in the art at the

time the invention was made to implement Williams's teachings into the computer system of

Paul to update user preference data information because it would have enabled users to monitor

and update a wide range of configurable options in a profile database and configured to control

each of the entertainment system components of system in a communications network (see

Williams' col.5 lines 8-28).

- Appellants further assert that the combination of cited references does not
  disclose the Appellant's claimed invention.

Examiner respectfully point out that the combination of Paul and Williams discloses the

Appellant's claimed invention. For example, Paul discloses the Appellant' invention

except computer system specific configuration settings including at least one of

brightness, volume, and energy saving settings and coupling by a bus to a processor in

the terminal. However, Williams discloses computer system specific configuration

settings including at least one of brightness, volume, and energy saving settings and coupling by a bus to a processor in the terminal (configures system configuration settings of system in accordance with the user preference information found in the user profile corresponding to the identified user including volume and using system controller 500 includes high performance input/output (I/O) bus 506 and standard I/O bus 508, and host bridge 510 coupling processor 502 to high performance I/O bus 506,, see abstract, figs.2, 5, col.5 line 30 to col.6 line 32 and col.11 line 45 to col.12 line 61). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to implement Williams's teachings into the computer system of Paul to update user preference data information because it would have enabled users to monitor and update a wide range of configurable options in a profile database and configured to control each of the entertainment system components of system in a communications network (see Williams' col.5 lines 8-28). Both cited references disclose processing user's preference or configuration in a communication network. The motivation to combine the references was properly disclosed in the secondary reference (Williams). Therefore, the claims are properly rejected.

2) For claim 4:

Appellants' arguments are the same as in claim 1. Please see claim 1 response above.

3) For claim 5:

Appellants' arguments are the same as in claim 1. Please see claim 1 response above.

- Additionally, Appellant asserts that Williams does not disclose requesting data from a specifically identified device over a network.

Examiner does not cite the Williams' reference for teaching the limitation. Instead, Examiner respectfully point out that Paul discloses requesting data from a specifically identified device over a network (*sending a "configuration pending" message from the configuration device to mark the message for the new device, see col.3 line 29 to col.4 line 11*).

4) For claim 6:

Appellants' arguments are the same as in claim 1. Please see claim 1 response above.

5) For claim 17:

Appellants' arguments are the same as in claim 1. Please see claim 1 response above.

6) For claim 18:

Appellants' arguments are the same as in claim 1. Please see claim 1 response above.

7) For claim 20:

Appellants' arguments are the same as in claim 1. Please see claim 1 response above.

8) For claim 22:

Appellants' arguments are the same as in claim 1. Please see claim 1 response above.

9) Appellant asserts that the references diverges and teaches away from the claimed

invention and the Examiner has not read the claims as a whole.

Examiner respectfully disagrees. Examiner respectfully point out that the combination of

cited references discloses the Appellant's claimed invention with proper motivation (as above

responses). The Appellant's arguments are fully considered but they are found not persuasive.

Therefore, the claims are properly rejected.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related

Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Khanh Q Dinh/

Primary Examiner, Art Unit 2451

Conferees:

/John Follansbee/

Supervisory Patent Examiner, Art Unit 2451

/Jeffrey Pwu/

Supervisory Patent Examiner, Art Unit 2446

/Jack Harvey/

Director, Technology Center 2400